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**Nicaragua****The Requirement to Implement Democracy**

On June 23, 1979, all OAS governments including the United States called for the immediate and definitive replacement of the Somoza government, through a resolution of the XVII Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which reads as follows:

**"WHEREAS:**

"The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social, and economic upheaval;

"The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people and;

"The spirit of hemispheric solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

**"THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,**

**"DECLARES:**

"That the solution of the serious problem is exclusively within the jurisdiction of the people of Nicaragua.

"That in view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

1. Immediate and definitive replacement of the Somoza regime.
2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.
3. Guarantee of the respect for human rights of all Nicaraguans without exception.
4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.

II

26 June 1985

**NICARAGUAN AGGRESSION AGAINST COSTA RICA AND HONDURAS  
1979 TO PRESENT**

Since seizing power in July 1979, the Sandinista government has attempted to intimidate, coerce, and destabilize the governments of Costa Rica and Honduras through direct actions and through its extensive ties with local leftist extremists. The following chronology details Sandinista border incidents/military incursions, terrorism, guerrilla infiltration, and support to local radicals.

**COSTA RICA**

October 1980	Sandinista forces three times attacked Costa Rican vessels engaged in medical missions on the San Juan River.
November 1980	The Sandinista Army attacked with machinegun fire a Costa Rican vessel sailing up the San Juan River. Costa Rica has navigational rights on the river guaranteed by two nineteenth-century treaties.
December 1981	The Costa Rican Communist Party, which sent cadres to fight with the Sandinistas in 1978-79, formed its own paramilitary unit sometime in late 1981. The Sandinistas provide extensive training and logistical support to this brigade, which since its formation has been participating in counterinsurgency operations in southern Nicaragua against anti-Sandinista rebels.
February 1982	The principal suspect in an assassination attempt against anti-Sandinista leader "Negro" Chamorro was the Nicaraguan consul in Liberia, Costa Rica; he returned to Nicaragua, and the case was never completed.
March 1982	Two Nicaraguans were among nine arrested when Costa Rican security forces uncovered a terrorist cell in San Jose with \$500,000 in arms, the largest and most sophisticated cache discovered to date in Costa Rica.

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May 1982 San Jose protested border raids by Nicaraguan soldiers during late May in the provinces of Upala, Los Chiles, and San Carlos.

June 1982 A Sandinista patrol intercepted a Costa Rican tourist boat on the San Juan River and held tourists for several hours.

Both sides agreed to form a mixed commission to deal with possible border violations.

The Nicaraguan Foreign Ministry affirmed the continuation of Nicaraguan police and customs control of the San Juan River, presumably as part of a strategy to pursue anti-Sandinistas.

July 1982 Three Nicaraguan diplomats implicated in the bombing of a Honduran airline office in San Jose were expelled; a Colombian responsible for the bombing claimed that he had been recruited, trained, and directed by the Nicaraguan Embassy in San Jose.

April 1983 Costa Rica charged Nicaraguan troops were staging cross-border raids.

An unmarked Nicaraguan patrol boat fired shots and captured three US fishermen, apparently in Costa Rican waters.

June 1983 One Nicaraguan terrorist was killed and another severely injured when a bomb intended for anti-Sandinista leaders exploded prematurely in a San Jose parking lot.

September 1983 The Costa Rican Security Council condemned Nicaraguan Army shelling of public buildings in Costa Rican territory.

December 1983

February 1984 Sandinistas attacked Costa Rican border guards at Conventillos.

April 1984 Nicaraguan naval vessels captured two Costa Rican fishing boats in Costa Rican waters.

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A Costa Rican security official claimed a Nicaraguan mortar round fell near the Pan American Highway at Penas Blancas; six border guards investigating the mortar attack came under Sandinista machinegun fire.

January 1985

Costa Ricans exchanged fire with a small Nicaraguan Army unit that infiltrated initially by sea and later by land north of Barra del Colorado.

May 1985

Sandinistas fired on a Costa Rican civil guard patrol unit near Las Tiricias, Costa Rica, killing two.

June 1985

Sandinistas fired on a Costa Rican civil guard unit near Las Tiricias a second time.

#### HONDURAS

November 1979

Several Sandinista units crossed Honduran border in pursuit of former members of defeated Somoza National Guard.

December 1980

Prominent Honduran banker kidnaped in Tegucigalpa by members of leftist group, Cinchoneros, aided by Salvadoran insurgents; released in March 1981 after family paid over \$1 million in ransom; some members of Cinchoneros group reportedly had close ties to the Sandinistas as early as mid-1980.

March 1981

Honduran airliner hijacked to Nicaragua by Cinchoneros and Salvadoran guerrillas.

September 1981

Two US military trainers attacked and killed in Tegucigalpa by the Lorenzo Zelaya terrorist group; Honduran legislative palace also bombed.

November 1981

A leader of the Cinchonero group revealed that members of his organization were being trained in Cuba and that its leaders met regularly with Sandinista officials in Nicaragua.

March 1982

Honduran businessman kidnaped in Tegucigalpa by local Communists aided by Salvadoran insurgents, reportedly at Cuban urging.

July 1982

Two major electric power substations in Tegucigalpa bombed by Lorenzo Zelaya group and Salvadoran insurgents; damage estimated at \$20 million; economic counselor at the

Nicaraguan Embassy subsequently implicated by two captured terrorists; Nicaraguan national, later identified as Sandinista Comandante Modesto, killed by Honduran security forces during raid of terrorists' hideout.

Nicaraguan military unit crossed border to ambush anti-Sandinista insurgents; first Sandinista attack against rebels inside Honduran territory.

- August 1982      Air Florida, IBM, and Salvadoran airline offices in Tegucigalpa bombed by Lorenzo Zelaya and Salvadoran guerrilla groups demanding end to US involvement in Nicaraguan and Salvadoran affairs.
- September 1982      Cinchoneros, assisted by Salvadoran guerrillas, seized 105 Honduran businessmen in San Pedro Sula, demanding release of some 60 Honduran and Salvadoran leftist extremists; operation reportedly planned in Cuba; captives released after safe passage allowed by Honduran Government.
- December 1982      Nicaragua began training groups of 20-30 Honduran guerrillas; training included combat experience against anti-Sandinista insurgents inside Nicaragua; members of several Honduran extreme leftist groups fought in Nicaragua for periods of 4-6 months, at least until the summer of 1984.
- May 1983      A captured leader of the Lorezo Zelaya group revealed that the Sandinistas had provided his organization with weapons, funds, false documentation, safehaven, and propaganda materials.
- July 1983      Sandinistas infiltrated 96 Cuban- and Nicaraguan-trained Honduran insurgents into Olancho Department in south-central Honduras; group's objective reportedly was to establish a base of operations and an insurgent organization in the Honduran interior; most had undergone military training for up to two years in Nicaragua and at a guerrilla training facility in Pinar del Rio, Cuba; Honduran military captured or killed several insurgents, and others surrendered or starved to death in the jungle.
- September 1983      Cinchoneros, claiming retaliation for the bombing of Managua's international airport by anti-Sandinista insurgents, dynamited Honduran airlines office in San Pedro Sula.



July 1984

Some 20 Honduran guerrillas trained in Cuba and Nicaragua infiltrated into Honduras, supervised and supported by Sandinista Army; group had been issued M-16s--some of which have been traced back to Vietnam--in Nicaragua; instructed to create military organizations, conduct political and military training, organize intelligence collection, and create a logistics base; Honduran military rounded up most by October 1984.

March 1985

Nicaragua fired mortars into El Paraiso and Choluteca Departments, according to press reports.

April 1985

Sandinista troops fired mortar rounds into Honduran territory, particularly around suspected anti-Sandinista concentrations; Nicaraguan patrol boat attacked Honduran fishing boat.

Seven Nicaraguan agents captured in Honduras providing training and arms to local terrorists.

May 1985

Sandinista forces launched ground assaults as well as artillery and rocket barrages into areas of suspected anti-Sandinista presence inside Honduras.

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<u>Year</u>	<u>Cuban Action</u>	<u>OAS Response</u>
1959	PANAMA - 80 to 100 fully armed guerrillas leave Cuba to invade Panama.	OAS investigating committee, using aircraft & patrol boats force invading forces to surrender.
1961	PERU alleges Cuban intervention and subversion.	OAS Council confirms Cuban subversion.
1961	COLOMBIA alleges Cuba a threat to peace and security of hemisphere.	Castro government excluded from participation in OAS.
1962	CUBA allows installation of nuclear weapons by USSR.	OAS authorizes individual and collective measures including force.
1963-64	VENEZUELA alleges Cuba depositing arms in Venezuela.	OAS verifies facts as true, votes sanctions against Cuba.
1967	VENEZUELA and BOLIVIA, allegations of Cuban intervention.	OAS condemns Cuba extends sanctions including cutoff of government sales credits to Cuba.

Since 1959, the OAS has sanctioned Castro Cuba a number of times for its export of subversion, which the OAS has considered a form of armed aggression. For example, in 1964, the 9th Meeting of Consultation of the OAS Ministers of Foreign Affairs established, among its conclusions, that "the Republic of Venezuela has been the target of a series of actions sponsored and directed by the Government of Cuba openly intended to subvert Venezuelan institutions and to overthrow the democratic government of Venezuela through terrorism, sabotage, assault and guerrilla warfare and that the aforementioned acts, like all acts of intervention and aggression, conflict with the principles and aims of the inter-American system (and therefore) resolves to declare that the acts verified by the investigating committee are considered an aggression and an intervention on the part of the Government of Cuba in the internal affairs of Venezuela which affect all the member states" (of the OAS).

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## CENTRAL AMERICA &amp; INTERNATIONAL LAW

By John Norton Moore

A principal argument of those opposed to U.S. funding of the counterrevolutionaries in Nicaragua is that it would be illegal under accepted norms of international law. The rule of law is at stake in Central America. But the real threat is the serious and sustained armed attack directed by Cuba and Nicaragua against El Salvador and neighboring states, in violation of the United Nations and Organization of American States charters.

To focus on the issue of funding, rather than on the Cuban-Nicaraguan attack, is to accept the childhood plea, "It all started when he hit me back." More dangerously, it is to confuse the defense with aggression, and thus to undermine the single most important normative restraint against the use of force. Moreover, the goals of deterrence and stability are at risk if we ignore the commitment made repeatedly by our country: that we will take effective action against aggressive use of force intended to deprive nations in this hemisphere of their right to self-determination. This commitment is found in the Monroe Doctrine and the hemispheric Rio Defense Treaty, and in the congressional Cuban resolution of 1962 and the 1965 House resolution on communist subversion in the hemisphere.

Since seizing power in 1959, Fidel Castro has directed insurgencies against 17 Latin American nations. Until the attack against El Salvador, the most serious of these was a sustained insurgency against Venezuela, condemned in 1964 by the OAS. The success of the Sandinistas—with substantial Cuban support—two decades after Castro's takeover in Cuba provided new ideological fervor and opportunity for what is now a joint Cuban-Nicaraguan policy of "revolution without frontiers."

Both the bipartisan Kissinger Commission and the House Select Committee on Intelligence have concluded that Cuba and Nicaragua are engaged in efforts to overthrow the governments of neighboring

states, particularly El Salvador. These efforts include meetings held in Cuba in December, 1979, and May, 1980, to forge a united Salvadoran insurgency under Cuban and Nicaraguan influence and assistance, including arms supply, training, financing, command and control, and political and technical support.

The resulting insurgency now fields well-trained armed forces one-fifth the size of the Salvadoran army, and operates 67 offices in 35 countries in political support of the continuing attack. As defectors' reports and weapon serial numbers demonstrate, the preponderance of the insurgents' weapons continues to be supplied externally. In fact, they had American M-16 rifles and M-60 machine guns (from stocks in Vietnam and Ethiopia) even before the Salvadoran army had those weapons.

Congress itself found, in the Intelligence Authorization Act of 1983, that the "actions of the governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central America region, and the governments of Cuba and Nicaragua refuse to cease those activities."

These Cuban-Nicaraguan activities violate the United Nations Charter, the Charter of the Organization of American States, the Rio Defense Treaty, the United Nations definition of aggression, the 1965 U.N. General Assembly declaration on intervention, the 1970 General Assembly "Friendly relations" declaration, the 1972 basic principles agreement, the 1975 Helsinki principles and even the Soviet draft definition of aggression.

This pattern of ongoing aggression constitutes an armed attack justifying the use of force in collective defense under Article 51 of the U.N. Charter and Article 3 of the Rio Treaty. Indeed, Article 27 of the OAS Charter declares that such an attack is "an act of aggression against . . . (all) the American states," and Article 3 of the Rio

Treaty creates a legal obligation on United States to assist in meeting armed attack. This obligation is parallel that owed by the United States to North Atlantic Treaty Organization (Article 5 of the NATO Treaty) in the event of an attack on a NATO member.

A response in defense may lawfully be overt, covert or both, as has been the case in virtually every conflict in which America has fought in this century. In World War II no one suggested that Allied support of partisan forces or covert operations in Germany were illegal in responding to aggression.

Certainly responses in defense must be proportional. But how is it disproportionate for the United States to respond against covert Cuban-Nicaraguan armed aggression aimed at overthrowing the democratically elected government of El Salvador by ruling out that same objective against totalitarian Sandinista military junta?

One of the most serious contemporary threats to world order is the aggressive covert political-military attack by a externally instigated and supported guerrilla insurgency. Such an attack from Cuba and Nicaragua is the world threat in Central America. Congress must decide what it meant what it said in the 1962 Cuban resolution, when it pledged "that the United States is determined to prevent whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive subversive activities to any part of the hemisphere."

John Norton Moore is chairman of the American Bar Assn. Standing Committee on Law and National Security and a professor of international law at the University of Virginia. He has served as counsel to the United States in the Nicaragua case at the International Court of Justice. The views expressed are his own.